

ORIGINAL

Approved: 

JANE Y. CHONG

Assistant United States Attorney

Before: THE HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York

----- X

UNITED STATES OF AMERICA :

22 Mag. **6622**

- v. - :

RAMIRO NAJERA-BARRIOS, :

RULE 5(c) (3)
AFFIDAVIT

Defendant. :

----- :

SOUTHERN DISTRICT OF NEW YORK, ss:

ANTHONY KITE, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA"), and charges as follows:

On or about August 11, 2022, the United States District Court for the Western District of Pennsylvania issued a warrant for the arrest of "Ramiro Najera-Barrios," based on a one-count complaint (the "Complaint") charging "Ramiro Najera-Barrios" with one count of conspiracy to distribute and possess with intent to distribute 400 grams or more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 846. A copy of the Arrest Warrant and the Complaint are attached as Exhibit A hereto and incorporated by reference herein.

I believe that RAMIRO NAJERA-BARRIOS, the defendant, who was arrested on August 11, 2022, in the Southern District of New York, is the same person as the "Ramiro Najera-Barrios" who is wanted by the United States District Court for the Western District of Pennsylvania.

The bases for my knowledge and for the foregoing charge are, in part, as follows:

1. I am a Special Agent with the DEA. I have been personally involved in determining whether RAMIRO NAJERA-BARRIOS, the defendant, is the same individual as the "Ramiro Najera-Barrios" named in the August 11, 2022 arrest warrant from the United States District Court for the Western District of Pennsylvania. Because this affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this affidavit each and every fact that I have learned. Where I report statements made by others, those statements are described in substance and in part, unless otherwise noted.

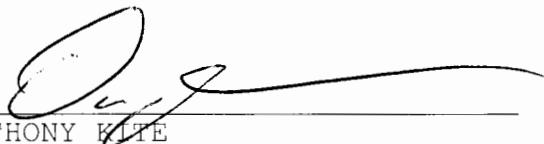
2. Based on my review of documents from proceedings in the United States District Court for the Western District of Pennsylvania, I know that, on or about August 11, 2022, the United States District Court for the Western District of Pennsylvania issued a warrant for the arrest of "Ramiro Najera-Barrios" (the "Arrest Warrant"). The Arrest Warrant was based on a complaint (the "Complaint") charging "Ramiro Najera-Barrios" with one count of conspiracy to distribute and possess with intent to distribute 400 grams or more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 846. The Complaint was issued in connection with case number 22-MJ-1096 in the Western District of Pennsylvania.

3. On or about August 11, 2022, at approximately 12:05 a.m., I arrested RAMIRO NAJERA-BARRIOS, the defendant, at a parking lot in Baldwin, New York. When asked if his name is "Ramiro Najera-Barrios," NAJERA-BARRIOS affirmed that was his name.

4. During the course of my investigation, I have reviewed photographs of the "Ramiro Najera-Barrios" sought in the Arrest Warrant which were provided to me by DEA agents in Pittsburgh. The appearance of RAMIRO NAJERA-BARRIOS, the defendant, matches the appearance of the "Ramiro Najera-Barrios" I have viewed in photographs.

5. Based on the fact that RAMIRO NAJERA-BARRIOS, the defendant, self-identified as "Ramiro Najera-Barrios"; and that NAJERA-BARRIOS's appearance matched the appearance of the person sought in the Arrest Warrant, I believe that NAJERA-BARRIOS is the "Ramiro Najera-Barrios" sought in the Arrest Warrant.

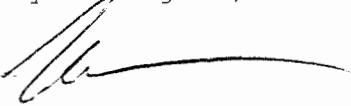
WHEREFORE, I respectfully request that RAMIRO NAJERA-BARRIOS, the defendant, be imprisoned or bailed as the case may be.



ANTHONY KITE
Special Agent
Drug Enforcement Administration

Sworn to me through the transmission of this
Affidavit by reliable electronic means,
pursuant to Federal Rules of Criminal Procedure
41(d)(3) and 4.1 this,

11th day of August, 2022



THE HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York

Exhibit A

UNITED STATES DISTRICT COURT
 for the
 Western District of Pennsylvania

United States of America)	
v.)	
RAMIRO NAJERA-BARRIOS, and)	Case No.
ASCENCION ORONA-DUARTE,)	22-mj-1096
a/k/a "Nene Duarte,")	
a/k/a "Jose Duate")	[UNDER SEAL]

Defendant(s)

**CRIMINAL COMPLAINT
 BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 2022 to August 10, 2022 in the county of Allegheny in the
Western District of Pennsylvania, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 846	Conspiracy to possess with intent to distribute and distribute 400 grams or more of mixtures and substances containing a detectable amount of fentanyl.

This criminal complaint is based on these facts:

Please see attached Affidavit in Support of Criminal Complaint.

Continued on the attached sheet.

/s/ Vijay Neman

Complainant's signature

Vijay Neman, Special Agent, DEA

Printed name and title

Sworn and subscribed before me, by telephone pursuant to Fed. R. Crim. P. 4.1(b)(2)(A).

Date: 08/11/2022



Judge's signature

City and state: Pittsburgh, Pennsylvania

Honorable Maureen P. Kelly, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

RAMIRO NAJERA-BARRIOS, and
ASCENCION ORONA-DUARTE,
a/k/a "Nene Duarte,"
a/k/a "Jose Duate"

Magistrate No. 22-1096
[UNDER SEAL]

(21 U.S.C. § 846)

**AFFIDAVIT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS
IN SUPPORT OF CRIMINAL COMPLAINT**

I, Vijay Neman, being first duly sworn, deposes and states that he is a Special Agent of the Drug Enforcement Administration ("DEA"), and charges as follows:

I. PURPOSE OF THIS AFFIDAVIT AND BACKGROUND OF AGENT NEMANI

1. This Affidavit is made for the limited purpose of establishing probable cause in support of a Criminal Complaint that from at least in or around March 2022, up to and including on or about August 10, 2022, in the Western District of Pennsylvania and elsewhere, RAMIRO NAJERA-BARRIOS and ASCENCION ORONA DUARTE, a/k/a "Nene Duarte," a/k/a "Jose Duate," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree, together and with each other, to violate the narcotics laws of the United States. It was a part and an object of the conspiracy that RAMIRO NAJERA-BARRIOS and ASCENCION ORONA-DUARTE, a/k/a "Nene Duarte," a/k/a "Jose Duate," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1). The controlled substance that RAMIRO NAJERA-BARRIOS and ASCENCION ORONA-DUARTE,

a/k/a "Nene Duarte," a/k/a "Jose Duate," the defendants, conspired to distribute and possess with intent to distribute was 400 grams or more (i.e., approximately three kilograms) of mixtures and substances containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(A).

2. I am an "Investigative or Law Enforcement Officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7); that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

3. I am a Special Agent of the DEA, and I have been so employed by the DEA since October 2000. I am currently assigned to the Pittsburgh District Office, which is located in the Western District of Pennsylvania, and have been so assigned since June 2008. Prior to my assignment at the Pittsburgh District Office, I was assigned to the Kabul Country Office, located in Kabul, Afghanistan, and the Miami Field Division Office, located in Miami, Florida. I have completed 17 weeks of intensive narcotics training from the Drug Enforcement Administration's Justice Training Academy. Prior to my employment with the DEA, I spent over five (5) years working as police officer for the City of Washington, Pennsylvania Police Department.

4. I have been involved in narcotics related arrests and the execution of search warrants which resulted in the seizure of narcotics and assisted in the supervision of activities of informants who provided information and assistance resulting in drug buys I have received training and experience in interviewing and interrogation techniques, arrest procedures, search and seizure, narcotics, undercover techniques, white collar crimes, search warrant applications, and various other crimes.

5. In the course of my training and experience, I have become familiar with the methods and techniques associated with the distribution of narcotics, the laundering of drug proceeds, and the organization of drug conspiracies. In the course of conducting these investigations, I have been involved in the use of the following investigative techniques: interviewing informants and cooperating witnesses, conducting physical surveillance, consensual monitoring and recording of both telephonic and non-telephonic communications, analyzing pen register data, cell site data, conducting court-authorized wire and oral interception electronic surveillance, and preparing and executing search warrants which have led to substantial seizures of narcotics, firearms, contraband, and evidence of criminal activity.

6. In connection with my work for the DEA, I have worked with federal, state and local law enforcement officers in the Western District of Pennsylvania and other jurisdictions, including law enforcement officers in other countries. These personnel provide the DEA with an extensive breadth of experience and knowledge about illegal interstate and international drug trafficking. Through my experience, training and interactions with other law enforcement officials, I have become familiar with the methods of operation typically utilized by individuals who distribute illegal drugs.

7. I have personally participated in some of the investigation described herein. In addition, I have reviewed information obtained from law enforcement and commercial databases, and I have discussed this case with, and reviewed the reports of, other law enforcement officers who have been involved in this investigation or who have investigated the subjects of this investigation and their associates in the past. Because this Affidavit is being submitted for the limited and specific purpose of establishing probable cause to support a Criminal Complaint, I

have not included every fact known to law enforcement concerning this investigation. I have not, however, omitted any facts that would tend to defeat a finding of probable cause.

II. PROBABLE CAUSE

8. This investigation is being conducted by the Drug Enforcement Administration (DEA), and other federal and local law enforcement agencies, to investigate and prosecute individuals involved in a fentanyl drug trafficking organization operating throughout the United States, but primarily in the Eastern District of North Carolina, the Southern District of New York, and the Western District of Pennsylvania (specifically Allegheny County).

9. As a result of an investigation initiated in Charlotte, North Carolina, agents identified RAMIRO NAJERA-BARRIOS as a source of supply of fentanyl operating in Arizona and elsewhere. The investigation revealed that NAJERA-BARRIOS coordinates the transportation and delivery of multi-kilogram quantities of fentanyl in multiple states, including in North Carolina and in Pennsylvania.

10. During the course of the investigation, Agents/TFOs were able to monitor numerous telephone conversations and text messages involving NAJERA-BARRIOS. During these conversations, NAJERA-BARRIOS utilized coded language to discuss the logistics of the trafficking the fentanyl.

11. Based on my participation in this investigation, my conversations with other law enforcement officers, physical surveillance, and my review of calls involving a confidential source (“CS-1”),¹ I have learned, in substance and in part, the following:

¹ CS-1 has been cooperating with law enforcement for approximately six months in hopes of judicial consideration based on prior drug crimes. CS-1 is believed to be credible and reliable and

12. On or about July 12, 2022, RAMIRO NAJERA-BARRIOS, the defendant, used a particular phone number (“NAJERA-BARRIOS Cellphone-1”) to speak to CS-1 about meeting at a location in Pittsburgh, Pennsylvania. Through physical surveillance, law enforcement then observed NAJERA-BARRIOS arrive at the location with another male later identified as ASCENCION ORONA-DUARTE, the defendant. During the audio-recorded meeting with CS-1, which occurred in the Western District of Pennsylvania, NAJERA-BARRIOS revealed himself to be coordinating an organization’s drug trafficking and money laundering operations in the Pittsburgh area, and asked CS-1 to assist NAJERA-BARRIOS in distributing fentanyl.

13. Based on location information for NAJERA-BARRIOS Cellphone-1, obtained pursuant to a judicially authorized warrant, I know that from at least July 22, 2022, through August 10, 2022, NAJERA-BARRIOS was located in New York City and primarily in the Bronx. During that period, on or about August 9, 2022, NAJERA-BARRIOS began communicating with CS-1 using a new phone number (NAJERA-BARRIOS Cellphone-2”) to arrange for NAJERA-BARRIOS’s courier to provide narcotics to CS-1’s courier.

14. On or about August 10, 2022, on a recorded call with NAJERA-BARRIOS Cellphone-2 at approximately 2:30 p.m., CS-1 indicated to NAJERA-BARRIOS that CS-1’s courier was in the area and ready to accept the narcotics. Based on location information for NAJERA-BARRIOS Cellphone-2, obtained pursuant to a judicially authorized warrant, I know that NAJERA-BARRIOS was located in the Bronx at the time of the call.

much of the information provided by CS-1, both in this investigation and in other investigations, has been independently corroborated. CS-1 has prior convictions for narcotics, carrying a firearm without a license, and aggravated assault.

15. On the same day, on a recorded call at approximately 6:51 p.m., NAJERA-BARRIOS stated that NAJERA-BARRIOS would provide an address where NAJERA-BARRIOS could meet and provide narcotics to CS-1's courier. NAJERA-BARRIOS subsequently provided CS-1 the address of a fast-food parking lot in Baldwin, New York (the "Baldwin Location"). Based on location information for NAJERA-BARRIOS Cellphone-2, obtained pursuant to a judicially authorized warrant, I know that NAJERA-BARRIOS was located in the Bronx at the time of the call.

16. At approximately 10:50 p.m., an undercover agent ("UC-1") posing as CS-1's courier arrived at the Baldwin Location and met ORONA-DUARTE, who had a small backpack but indicated that he did not have the narcotics in his possession. ORONA-DUARTE asked UC-1 to drive ORONA-DUARTE to a second location to meet NAJERA-BARRIOS and receive the narcotics. After UC-1 refused, law enforcement observed NAJERA-BARRIOS arrive at the Baldwin Location in a vehicle that, after NAJERA-BARRIOS's exit from the vehicle, immediately drove off.

17. NAJERA-BARRIOS handed ORONA-DUARTE a bag (the "Bag"), which ORONA-DUARTE in turn handed to UC-1.

18. Law enforcement agents apprehended NAJERA-BARRIOS and ORONA-DUARTE and placed them under arrest.

19. Inside the bag were three large blocks of white powder, each individually wrapped in plastic. The gross weight of the bricks was approximately three kilograms.

20. DEA agents field tested portions of the white powder, which indicated the presence of cocaine and the presence of an opiate. Based on the field tests, my training and experience, and

my knowledge of prior conversations between NAJERA-BARRIOS and CS-1 referencing fentanyl, I believe the white powder consists of both cocaine and fentanyl.

21. WHEREFORE, I respectfully request that RAMIRO NAJERA-BARRIOS and ASCENCION ORONA-DUARTE, a/k/a "Nene Duarte," a/k/a "Jose Duate," the defendants, be charged with a violation of 21 U.S.C. § 846, for conspiring with each other, and with persons both known and unknown, to possess with intent to distribute and to distribute controlled substance(s), specifically fentanyl, in the Western District of Pennsylvania and elsewhere.

The above information is true and correct to the best of my knowledge, information, and belief.

/s/ Vijay Neman
VIJAY NEMANI
Special Agent
Drug Enforcement Administration

Sworn and subscribed before me,
by telephone pursuant to
Fed. R. Crim. P. 4.1(b)(2)(A),
this 11th day of August 2022.


HONORABLE MAUREEN P. KELLY
United States Magistrate Judge
Western District of Pennsylvania

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

United States of America

v.

RAMIRO NAJERA-BARRIOS

Case No. 22-mj-1096

[UNDER SEAL]

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) RAMIRO NAJERA-BARRIOS,

who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Conspiracy to possess with intent to distribute and distribute 400 grams or more of mixtures and substances containing a detectable amount of fentanyl. (21 U.S.C. § 846)

Date: 08/11/2022*Issuing officer's signature*City and state: Pittsburgh, PennsylvaniaHonorable Maureen P. Kelly, U.S. Magistrate Judge*Printed name and title*

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (name, relation, address, phone number): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable): _____

Date of last contact with pretrial services or probation officer (if applicable): _____